

Amendment No. 16 to SB3107

**Herron
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3107

House Bill No. 3035*

As amended by House Amendments 3 and 4 (HA 1328 and HA 1392), by deleting the following language from subsection (h) of Section 71-3-502 of the amendatory language of Section 3:

Such earmarked fees shall be used by the department exclusively to improve child care quality in this state by funding activities which include, but are not limited to, child care provider training activities, but excluding any costs associated with conducting criminal background checks.

And by substituting instead the following language:

Such earmarked fees shall be used by the department exclusively to improve child care quality in this state by funding activities which include child care provider training activities, but excluding any costs associated with conducting criminal background checks. Increased fees for child care agency licenses shall be implemented on January 1, 2001. Increased fees shall be used solely for a variety of training options, which can be accessed by agencies, organizations and individuals for grants for workshops, conferences and scholarships that improve the quality of child care in this state.

AND FURTHER AMEND by deleting the following language in subdivision (j)(2)(B) of Section 71-3-502 of the amendatory language of Section 3

(iv) A child care agency subject to audit under this section may, with the prior approval of the comptroller of the treasury, engage licensed independent public accountants to perform the audits.

(v) The audit contract between the child care agency and the independent public accountant shall be on contract forms prescribed by the comptroller of the treasury.

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(vi) The child care agency is responsible for reimbursement of the reasonable costs of audits prepared by the comptroller of the treasury and the payment of fees for audits prepared by licensed independent public accountants.

(vii) Audits and working papers prepared by independent public accountants shall be reviewed and approved by the comptroller of the treasury prior to payment.

(viii) Copies of such audits shall be provided to the commissioner of human services, the department of finance and administration and the comptroller of the treasury and shall be made available to the press.

(C) Notwithstanding the foregoing, any child care agency receiving any subsidy funds may be required to have an audit at any time at the discretion of the commissioner or the comptroller of the treasury.

and by substituting instead the following language:

(iv) The audit contract between the child care agency and the independent public accountant shall be on contract forms prescribed by the comptroller of the treasury.

(v) The child care agency is responsible for reimbursement of the reasonable costs of audits prepared by the comptroller of the treasury and the payment of fees for audits prepared by licensed independent public accountants.

(vi) Audits and working papers prepared by independent public accountants shall be reviewed and approved by the comptroller of the treasury prior to payment.

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(vii) Copies of such audits shall be provided to the commissioner of human services, the department of finance and administration and the comptroller of the treasury and on payment of reasonable costs for reproduction shall be made available to the press.

(C) Notwithstanding the foregoing, any child care agency receiving any subsidy funds may be required to have an audit at any time at the discretion of the commissioner or the comptroller of the treasury. Only those entities subject to the provisions of item (B)(ii) or item (B)(iii) shall pay for costs of such audit. A child care agency subject to audit under item (B)(ii) or item (B)(iii) of this subdivision may, with the prior approval of the comptroller of the treasury, engage licensed independent public accountants to perform the audits.

AND FURTHER AMEND by deleting the following language from subsection (g) of Section 71-3-510 of the amendatory language of Section 11:

by public necessity rule of the department of human services, in consultation with the department of children's services, to be effective by July 1, 2000; provided, however, permanent rules shall be promulgated

AND FURTHER AMEND by deleting the language "church," from the second sentence of Section 71-3-501(b)(8) of the amendatory language of Section 2.

AND FURTHER AMEND by adding the following as a new subdivision (12) at the end of Section 71-3-503(a) of the amendatory language of Section 3:

(12) Nurseries, babysitting services and other children's activities that are not ordinarily operated on a daily basis, but which are associated with religious services or

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related activities of churches or other houses of worship. Such services or activities may include limited special events that shall not exceed fourteen (14) days in any calendar year.

AND FURTHER AMEND by adding the following new section immediately preceding the last two (2) sections of the bill, as amended, and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Title 71, Chapter 3, Part 5, is amended by adding the following language as a new appropriately designated section:

Section _____. The records of any entity entering into a contract or grant with the state for child care broker services relating to such grant or contract shall be public records open for public inspection in accordance with the provisions of Section 10-7-503. Nothing herein shall be construed to allow a social security number or residential address of any person to be considered a public record.

AND FURTHER AMEND by adding the following as a new, appropriately designated section immediately before the last two (2) sections of the bill, as amended, and by renumbering the last two (2) sections accordingly:

SECTION _____. Tennessee Code Annotated, Title 4, Chapter 37, is amended by adding the following as new Part 2:

4-37-201(a)(1). The department of human services is authorized to work with local communities, industry and other entities to develop the preliminary parameters of a program of public/private partnerships to enhance funding of child care. In such efforts,

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the department shall involve entities such as the Tennessee Child Care Facilities and Programs Corporation that was established pursuant to title 4, chapter 37, part 1, the appropriate local Families First Councils and the Work Force Development Council.

(2) In exploring such partnerships, the department shall examine the feasibility of securing federal and state funding as an incentive for developing matching local funds derived from local governments, employers, charitable institutions or foundations and other sources, so that communities may seek local, flexible partnerships with employers for the creation and enhancement of child care.

(b)(1) Only to the extent of any current funding not otherwise obligated by law, the department may also establish preliminary public/private partnerships through a program based upon the principles in subsection (a). In any preliminary program created pursuant to this subsection, any matching funds shall be used with the input and direction of local communities to meet the needs of working parents and to create, expand or upgrade on-site child care facilities; to contract or partner with child care agencies that provide such types of child care as sick-care, after-hours care for children and any other forms of child care that becomes necessary to meet the needs of children, parents, and employers; and to use such funds as incentives or for studies that may be necessary to aid in the development of any child care for the particular community.

(2) Any funds used pursuant to this subsection shall supplement or extend the use of existing public or private funding and shall not be used to supplant the maintenance of effort being exerted currently by the employer or other contributor.

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(3) Any funds utilized pursuant to this subsection shall be for child care provided in a facility licensed, approved or certified by a state child care licensing, certification or approval entity under titles 37, 49, or 71, or in any other facility or program approved for the care of children by the department of human services.

(c) The department shall report, no later than January 15, 2001, to the House Children and Family Affairs Committee; the Human Resources Subcommittee of the House Health and Human Resources Committee; the Senate General Welfare, Health and Human Resources Committee; and the Select Committee on Children and Youth regarding its activities under this act, including but not limited to any preliminary partnerships initiated, the use of any current funds, and recommendations for legislation to establish an ongoing program to address the needs identified.

(d) The department is authorized to promulgate rules and regulations, which may include public necessity rules, pursuant to title 4, chapter 5, to implement the provisions of subsection (b). Such rules may include criteria for grants and use of program funds and shall be limited to any currently available funds not otherwise obligated by law.